

REMARKS

In the above-mentioned Final Office action, all of the pending claims, claims 1, 2, 4-15, and 18-20, were rejected under Section 102(b) over *Eglen*.

Responsive to the rejection of the claims, the Applicants respectfully request entry of the above-proposed amendments to claims 1 and 15 as noted herein. The amendment to claim 1 includes the recitations of dependent claim 4, now canceled. And, method claim 15 has been analogously amended. Amendments proposed to claims 5-6 and 18-19 are made to change their respective dependencies to be dependent upon claims 1 and 15.

The Examiner's assertion that *Eglen* discloses an initial price indicia associator, as now-recited, or its corresponding operation in claim 15, is respectfully traversed. Claim 1 recites that the initial price indicia at which the initial price indicia associator initially prices content files is responsive to historical indicia indexed at the content creator database. And, the recitations of claim 4, proposed to be amended into claim 1, further recite that the historical indicia identifies historical demand for content files authored by the content creators.

While the Examiner relies upon paragraphs 59 and 136, these paragraphs merely state who is able to set the initial price of an item. The cited section, as well as others, fails to disclose how the content files are initially priced. That is to say, the Applicants believe that the manner by which the associator initially prices the content files, and its associated operation in claim 15, is different than a disclosure of who is able to initially price an item.

Support for the proposed amendments are found in as-filed claim 4 and, e.g., page 11, lines 4-17, page 11, lines 25-28, and page 12, lines 26-28.

As the remaining ones of the dependent claims include all of the recitations of their respective parent claims, these claims are believed to be distinguishable over the cited reference for the same reasons as given with respect to their parent claims.

Entry of the amendments to the claims is respectfully requested.

Entry of the proposed amendments is respectfully requested as the amendments are believed to place the claims in condition for allowance. In the alternative, entry of the proposed amendments is respectfully requested for purposes of appeal.

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In light of the foregoing, reexamination and reconsideration for allowance of the claims, amended as-proposed, is further requested. Such early action is earnestly solicited.

Respectfully submitted,

/Robert H. Kelly/

Robert H. Kelly
Registration No. 33,922

SCHEEF & STONE, L.L.P.
5956 Sherry Lane, Suite 1400
Dallas, Texas 75225
Telephone: (214) 706-4201
Fax: (214) 706-4242
robert.kelly@scheefandstone.com